



# PUBLIC NOTICE

**Federal Communications Commission**  
**445 12<sup>th</sup> St., S.W.**  
**Washington, D.C. 20554**

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**DA 05-2874**

**Released: October 31, 2005**

**Enforcement Bureau Provides Additional Guidance to  
Interconnected Voice Over Internet Protocol Service Providers  
Concerning Enforcement of Subscriber Acknowledgement Requirement**

**WC Docket No. 04-36**  
**WC Docket No. 05-196**

In this Public Notice, the Enforcement Bureau (Bureau) provides further information regarding its intended enforcement of the subscriber affirmative acknowledgement requirement imposed on interconnected Voice over Internet Protocol (VoIP) service providers in the Commission's *VoIP E911 Order*.<sup>1</sup> In its September 27, 2005 public notice,<sup>2</sup> the Bureau announced that, after considering the reports submitted by interconnected VoIP providers detailing their compliance with the Commission's notification requirements,<sup>3</sup> it would not pursue enforcement action against providers who had obtained acknowledgements from 90% or more of their subscribers that they had read and understood an advisory from the provider addressing the limitations of the provider's 911 service. We also indicated that we would continue to forbear from enforcement action, until October 31, 2005, against providers who had obtained less than 90% of their acknowledgements, provided that such providers submitted a status report to us by October 25, 2005.

We have reviewed reports submitted by numerous providers on October 25, 2005, and continue to see evidence of providers' substantial efforts to comply with the Commission's rules, as well as significant progress in obtaining acknowledgements from all of their customers regarding the limitations of their 911 service. Based on these substantial efforts, we will continue to refrain from exercising our enforcement authority against those providers who have yet to obtain acknowledgements from 90% or more of their subscribers, provided that these providers file an additional status report with the Commission on November 28, 2005. This status report should detail the efforts that they have undertaken to obtain acknowledgments from the remainder of their subscriber base, explain why they have been unable to achieve an acknowledgment percentage closer to 100%, and provide the current percentage of acknowledgments that they have received as of the date of filing. Thereafter, we expect these providers

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<sup>1</sup>*IP-Enabled Services and E911 Requirements for IP-Enabled Service Providers*, First Report and Order and Notice of Proposed Rulemaking, 20 FCC Rcd 10245 (rel. Jun 3, 2005) at ¶¶ 48, 73 (*VoIP E911 Order*); see also 47 C.F.R. § 9.5(e).

<sup>2</sup> See Public Notice, (DA 05-2530) released September 27, 2005.

<sup>3</sup>The Bureau has reviewed numerous reports that interconnected VoIP providers filed on August 10, September 1 and September 22. See Public Notice, (DA 05-2085) released July 26, 2005, [http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/DA-05-2085A1.doc](http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-05-2085A1.doc); see also Public Notice, (DA 05-2358) released August 26, 2005, [http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/DA-05-2358A1.doc](http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-05-2358A1.doc).

to seek the remaining acknowledgements and notify the Commission once they have achieved 100% compliance.

### Filing Procedures

Interconnected VoIP providers may file the above-referenced report in this proceeding on or before November 28, 2005. Reports must reference WC Docket No. 05-196 and should be labeled clearly on the first page as "Subscriber Acknowledgement Report (date of filing)." The report may be filed using: (1) the Commission's Electronic Comment Filing System (ECFS), or (2) by filing paper copies. *See* Electronic Filing of Documents in Rulemaking Proceedings, 63 Fed. Reg. 24,121 (May 1, 1998).

- **Electronic Filers:** Compliance letters may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/>. Filers should follow the instructions provided on the website for submitting comments. For ECFS filers, in completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket number (WC Docket No. 05-196).
- **Paper Filers:** Parties that choose to file by paper must file an original and four copies of each filing. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW, Washington, DC 20554.
- The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, DC 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street, SW, Washington DC 20554.

Parties should also send a copy of their filings to:

- Byron McCoy, Telecommunications Consumers Division, Enforcement Bureau, Federal Communications Commission, Room 4-A234, 445 12th Street, S.W., Washington, D.C. 20554, or by email to [byron.mccoy@fcc.gov](mailto:byron.mccoy@fcc.gov);
- Kathy Berthot, Deputy Chief, Spectrum Enforcement Division, Enforcement Bureau, Federal Communications Commission, Room 7-C802, 445 12th Street, S.W., Washington, D.C. 20554, or by email to [kathy.berthot@fcc.gov](mailto:kathy.berthot@fcc.gov); and
- Janice Myles, Competition Policy Division, Wireline Competition Bureau, Federal Communications Commission, Room 5-C140, 445 12th Street, S.W., Washington, D.C.

20554, or by e-mail to [janice.myles@fcc.gov](mailto:janice.myles@fcc.gov).

Parties must also serve one copy with the Commission's copy contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, (202) 488-5300, or via e-mail to [fcc@bcpiweb.com](mailto:fcc@bcpiweb.com).

For further information regarding this proceeding, press should contact Janice Wise, Director, Media Relations, Enforcement Bureau, (202) 418-8165, and providers should contact David Hunt, Telecommunications Consumers Division, Enforcement Bureau, (202) 418-1522, or Cynthia Bryant, Telecommunications Consumers Division, Enforcement Bureau, (202) 418-8164.

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